



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL -**  
**RETURN RECEIPT REQUESTED**

SEP 22 2011

Ms. Ellen Kullman  
Chief Executive Officer  
E. I. du Pont de Nemours and Company  
1007 Market Street  
Wilmington, DE 19898

**Re: Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA")  
Request for Information**

Dear Ms. Kullman:

The United States Environmental Protection Agency, Region III ("EPA"), has received numerous reports alleging environmental harm associated with the use of DuPont Imprelis Herbicide (EPA Reg. No. 352-793) ("Imprelis"), a pesticide registered to E. I. DuPont de Nemours and Company ("DuPont"). As part of EPA's investigation into these allegations and in order to determine whether DuPont complied with the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 *et seq.* ("FIFRA"), EPA is requesting that DuPont furnish the information described below. Please furnish your written response within 15 (fifteen) calendar days of your receipt of this letter. A request for an extension of time to respond should be submitted in writing as soon as possible, but no later than 7 (seven) calendar days after your receipt of this letter. If a response is not received in a timely manner, EPA may conduct inspections of DuPont facilities, as allowed by FIFRA.

Section 8(b) of FIFRA, 7 U.S.C. § 136f(b), requires, in pertinent part, upon request of any duly delegated officer or employee of EPA, that producers, registrants or applicants subject to FIFRA recordkeeping requirements, furnish or permit access to and copying of records with respect to their operation and production; and that persons who sell or offer for sale, deliver or offer for delivery any pesticide subject to FIFRA, furnish or permit access to and copying of (1) all records showing the delivery, movement or holding of the pesticide, including the quantity, the date of shipment and receipt, and the name of the consignor and consignee; or (2) in the event of the inability of the person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device. Section 9 of FIFRA, 7 U.S.C. § 136g, authorizes duly delegated officers or employees of EPA to, *inter alia*, enter at reasonable times places where pesticides are held for distribution or sale for the purposes of inspecting and obtaining samples of any pesticides, packaged, labeled and released for shipment, and samples of any containers or labeling for such pesticides.

In responding to this information request, you should base your answers on information and documents in your possession, custody or control, or in the possession, custody, or control of any of your employees or agents.

**A. INSTRUCTIONS**

1. For purposes of this letter, the definitions set forth in Enclosure (1) apply.
2. Please provide a separate narrative response to each question set forth herein and precede each answer with the number of the question to which it corresponds.
3. Identify each person responding to each question set forth herein and each person consulted in the preparation of your response.
4. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
5. Indicate on each document furnished with your response, or in some other reasonable manner, the number of the question(s) to which it corresponds.
6. For each question, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such question, identify such person(s) and the additional information or documents which they may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, 1) notify EPA within three (3) calendar days of receipt of this letter, and 2) in your written response, provide the question number and identify person(s) from whom such information or documents may be obtained.

**B. INFORMATION REQUEST**

1. Provide the chemical names, synonyms and EPA Registration Numbers, if applicable, for materials referred to as "MAT 26" and "MAT 28." Include an explanation of the relevance of these materials to the production of Imprelis.
2. Explain the production process of Imprelis, from start to finish, including the production of Aminocyclopyrachlor Technical (EPA Reg. No. 352-782) ("Aminocyclopyrachlor Technical") through to the formulation of Imprelis. Your response may include, but should not be limited to, a diagram if it helps to clarify the process.
3. Identify all establishments in the United States and elsewhere that, at any time, have been involved in the production/formulation of Imprelis for distribution or sale. For each such establishment, describe the production activity and provide the address, EPA establishment number and point of contact.
4. Identify all establishments in the United States and elsewhere that, at any time, have been involved in the production/formulation of Aminocyclopyrachlor Technical for

distribution or sale. For each such establishment, describe the production activity and provide the address, EPA establishment number and point of contact.

5. Provide copies of all contracts or agreements relating to Imprelis or Aminocyclopyrachlor Technical, as applicable, between DuPont and any establishment identified in your responses to questions 3 and 4, above.
6. Provide copies of all production records required to be maintained by 40 C.F.R. § 169.2(a), including batch records, for Imprelis and Aminocyclopyrachlor Technical for calendar years 2010 and 2011.
7. With respect to Imprelis, explain the significance of batch and/or lot code numbers and letters and state whether such codes were assigned by DuPont or another entity. If another entity, please identify the entity, including address and point of contact.
8. Provide copies of all analytical test results conducted for quality assurance/quality control or for other product composition analytical purposes for Imprelis and Aminocyclopyrachlor Technical.
9. Provide copies of records showing receipt and shipment of all pesticides and active ingredients used in producing Imprelis and Aminocyclopyrachlor Technical, as required by 40 C.F.R. §§ 169.2(c) and (d).
10. Identify all locations at which Imprelis is or has been stored at any time, and all locations from which Imprelis is or has been shipped or distributed at any time. Provide the address and point of contact for each such location.
11. Identify all locations at which Aminocyclopyrachlor Technical is or has been stored at any time, and all locations from which Aminocyclopyrachlor Technical is or has been shipped or distributed at any time. Provide the address and point of contact for each such location.
12. Provide copies of inventory records for Imprelis at all locations where it is or has been stored, in accordance with 40 C.F.R. § 169.2(e).
13. Provide copies of inventory records for Aminocyclopyrachlor Technical at all locations where it is or has been stored, in accordance with 40 C.F.R. § 169.2(e).
14. State whether any Imprelis has been returned to DuPont, as of the date of this letter, in connection with reports of adverse effects. Include in your response the date, quantity and batch or lot numbers, as applicable, associated with the returned product, whether the product was returned in sealed or unsealed containers, and the address, telephone number, and point of contact for any location at which DuPont is holding any such returned Imprelis inventory.
15. Provide copies of Notices of Arrival and all other import records in connection with the production of Imprelis and Aminocyclopyrachlor Technical.
16. Provide copies of all records of sales and distributions of Imprelis during 2010 and 2011.

17. Provide copies of all advertising and marketing materials developed and approved by DuPont for Imprelis.

The information you provide may be used by EPA in administrative, civil or criminal enforcement proceedings. Providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in the manner described in 40 C.F.R. § 2.203(b) and 40 C.F.R. § 169.3(c). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted to EPA, EPA may make this information available to the public without further notice to you.

Please send the requested information to:

Magda Rodriguez-Hunt  
Pesticide and Asbestos Programs Branch (3LC62)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

If you have any technical questions concerning this matter, please contact Ms. Rodriguez-Hunt at (215) 814-2128. If you have any legal questions concerning this matter, please contact the attorney assigned to this matter, Janet E. Sharke, at (215) 814-2689.

Sincerely,



Fatima El-Abdaoui, Ph.D., Chief  
Pesticide and Asbestos Programs Branch

Enclosure

cc: David Pyne, DDA  
Karl Sherman, Esq.  
Warren Lehrenbaum, Esq.  
Janet E. Sharke (3RC50)

## DEFINITIONS

Pursuant to Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), and 40 C.F.R. § 152.3, the term **“distribute or sell”** means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.

Pursuant to section 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 C.F.R. § 152.3, **“pesticide”** means, in pertinent part, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or for use as a plant regulator, defoliant or desiccant, with exceptions not relevant to this case.

Pursuant to 40 C.F.R. § 152.3 **“pesticide product”** means, in pertinent part, a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold.

Pursuant to section 2(t) of FIFRA, 7 U.S.C. § 136(t), **“pest”** means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1).

Pursuant to section 2(w) of FIFRA, 7 U.S.C. § 136(w), and 40 C.F.R. §167.3, **“produce”** means, in pertinent part, to manufacture, prepare, propagate, compound, or process any pesticide, or to package, repackage, label, relabel or otherwise change the container of any pesticide.

Pursuant to section 2(w) of FIFRA, 7 U.S.C. § 136(w), and 40 C.F.R. §167.3, **“producer”** means, in pertinent part, any person who produces any pesticide (including packaging, repackaging, labeling and relabeling).

